UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,175	03/03/2004	Andrea Finke-Anlauff	042933/275300	3770

10949 7590 01/10/2011

Nokia Corporation and Alston & Bird LLP
c/o Alston & Bird LLP
Bank of America Plaza, 101 South Tryon Street
Suite 4000
Charlotte, NC 28280-4000

EXAMINER	
HAILU, TADESSE	

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
01/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/792,175	FINKE-ANLAUFF ET AL.	
	Examiner	Art Unit	
	TADEESE HAILU	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-26 and 28-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-26 and 28-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/2/10, 12/10/10*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is responsive to the amendment submitted with RCE on December 21, 2010. The amendment contains claims 1, 2, 4-26, and 28-36, all reexamined and rejected.

2. Notes to the Applicant: The BPAI decision rendered on May 27, 2010 affirmed the Examiner's decision rejecting claims 1, 2, 4-25, and 35-36 but reversed the Examiner's decision rejecting claims 26, and 28-34 under 35 U.S.C. § 102(b). Accordingly, On September 2, 2010, the examiner issued Notice of allowance for the reversed claims by canceling affirmed claims via the Examiner's amendment. However, the Examiner's amendment was not acceptable by the applicant and filed the current amendment, with the entire claims 1, 2, 4-26, and 28-36 pending. As a result, the applicant is advised that the Notice of Allowance mailed is vacated. Thus, the examiner maintains the rejection of claims 1, 2, 4--25, and 35-36 as affirmed by the Board and the examiner applied a new ground of rejection for claims 26, 28-34 herein below.

3. The Information Disclosure Statement with references submitted December 2, 2010 and December 10 , 2010 have been considered and entered into the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-25, and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothmuller et al (hereinafter Rothmuller) (International Pub No. WO 02/057959 A2).

Claim 1: Rothmuller discloses a product for providing access to media files on a digital device, the product comprising a computer readable storage medium; and computer-readable program instructions embodied in the computer-readable storage medium, the computer-readable program instructions comprising: first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media files with a period of time (Fig. 1 and Page 2, lines 13-19); and second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline (Fig. 1, Page 7 lines 27-31 & page 8 lines 1-14) and according to events represented in the timeline (page 3, lines 5-9) (page 5 lines 18-25) (Fig. 3).

Claim 2: Rothmuller discloses the product of claim 1, wherein the first instructions for generating the media view further associate the at least one digital media file with event information (page 6, lines 20-25).

Claim 4: Rothmuller discloses the product of claim 1, wherein the first instructions associate the least one digital media file with a period of time that is defined by metadata associated with the at least one digital media file (page 7 lines 4-15).

Claim 5: Rothmuller discloses the product of claim 1, wherein the first instructions further include instructions for generating title information for the at least one digital media file (page 6 lines 9-13).

Claim 6: Rothmuller discloses the product of claim 5, wherein the instructions for generating title information include instructions for displaying, in the media view, the title information in conjunction with the at least one digital media file (page 12 lines 4-9).

Claim 7: Rothmuller discloses the product of claim 5, wherein the first instructions for generating title information for the at least one digital media file include instructions for defining the title information by metadata associated with the at least one media file (page 12 lines 4-13).

Claim 8: Rothmuller discloses the product of claim 1, wherein the first instructions include instructions for generating group title information for a plurality of digital media files having related metadata information (page 6 lines 9-20).

Claim 9: Rothmuller discloses the product of claim 8, wherein the instructions for generating group title information include instructions for displaying, in the media view, the group title information in conjunction with the plurality of digital media files (page 12 lines 4-13).

Claim 10: Rothmuller discloses the product of claim 8, wherein the instructions for generating group title information for the plurality of digital media files include instructions for defining the group title information by comparable metadata associated with the plurality of digital media files (page 6 lines 3-14).

Claim 11: Rothmuller discloses the product of claim 1, wherein the second

instructions for generating the timeline view include instructions for generating a scrollable timeline that provides for locating periods of time by scrolling the timeline (Fig. 3, page 7 lines 27-31).

Claim 12: Rothmuller discloses the product of claim 11, wherein the second instructions for generating the timeline view include instructions for generating a scrollable timeline that is scrollable in a horizontal manner (Fig. 3, page 7 lines 27-31).

Claim 13: Rothmuller discloses the product of claim 11, wherein the second instructions for generating the timeline view include instructions for generating a scrollable timeline that is scrollable in a vertical manner (Fig. 3, page 8 lines 27-31).

Claim 14: Rothmuller discloses the product of claim 1, wherein the first instructions for generating the media view include instructions for generating a scrollable media view for locating media files by scrolling the media view (Fig. 1, which shows the time handle/arrows to scroll the time period or media view).

Claim 15: Rothmuller discloses the product of claim 14, wherein the first instructions for generating the media view include instructions for generating a scrollable media view that is scrollable in a horizontal manner (Fig. 3, page 7 lines 27-31).

Claim 16: Rothmuller discloses the product of claim 14, wherein the first instructions for generating the media view include instructions for generating a scrollable media view that is scrollable in a vertical manner (Fig. 3, page 8 lines 27-31).

Claim 17: Rothmuller discloses the product of claim 1, wherein the first instructions for generating the media view and the second instructions for generating a

timeline view include instructions for generating a scrollable media view and a scrollable timeline view that provide for locating one or more media files by scrolling (Fig. 1, which shows the time handle/arrows to scroll the time period or media files).

Claim 18: Rothmuller discloses the product of claim 17, wherein the first instructions for generating the media view and the second instructions for generating a timeline view include instructions for scrolling the media view in a horizontal manner and scrolling the timeline view in a horizontal manner (Fig. 1 and Fig. 3).

Claim 19: Rothmuller discloses the product of claim 17, wherein the first instructions for generating the media view and the second instructions for generating a timeline view include instructions for scrolling the media view in a vertical manner and scrolling the timeline view in a vertical manner (Page 8, lines 27-31 and Page 9, lines 1-14).

Claim 20: Rothmuller discloses the product of claim 1, wherein the second instructions for generating a timeline view include instructions for generating a timeline in the form of a time bar (Fig. 1, which shows the time handle/arrows to scroll the time bar or media files).

Claim 21: Rothmuller discloses the product of claim 1, wherein the second instructions for generating a timeline view include instructions for generating a time handle that provides for the timeline to be scrolled (Fig. 1 and Fig. 3, which shows the time handle to scroll the time periods).

Claim 22: Rothmuller discloses the product of claim 1, further comprising third instructions for searching the media view in terms of a period of time (Fig. 1, which

shows the time handle to search the media view in terms of the time periods).

Claim 23: Rothmuller discloses the product of claim 1, further comprising third instructions for searching the media view in terms of any combination of metadata information (Fig. 1).

Claim 24: Rothmuller discloses the product of claim 1, wherein the first instructions for generating a media view include instructions for adjusting the area of the periods of time within the media view according to the amount of digital media files in the period of time (page 8, lines 14-21).

Claim 25: Rothmuller discloses the product of claim 24, wherein the first instructions for adjusting the area of the periods of time include instructions for adjusting the area of the period of time view so that all of the media files within a period of time are viewable within a display (page 8, lines 4-13).

Claim 35: Rothmuller discloses an apparatus comprising: a processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions comprising: first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media file with a period of time (Fig. 1 and Page 2, Lines 13-19), and second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline (Fig. 1, Page 7 lines 27-31 & page 8 lines 1-14) and according to events represented in the timeline (page 3, lines 5-9) (page 5 lines 18-25) (Fig. 3).

Claim 36: Rothmuller discloses an apparatus according to claim 35, further comprising a display in communication with the processing unit that presents, independently, the media view and the timeline view (Fig. 1, which shows the combined view of the media view and the timeline view).

5. Claims 26, and 28-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Adcock et al (20040125150).

Adcock is directed to Calendar-based interfaces for browsing and manipulation of digital images

With regard to claim 26:

(Currently amended) A method [e.g., flowchart of Fig. 14] comprising:

Receiving [at the computing device 1300], a digital media file having metadata associated with the digital media file [For example, obtaining a digital image or group of digital images including associated header information from a storage device, pars. 55 and 56];

causing the file to be provided to a media diary application [implemented as calendar-based GUI software program 1312] associates the digital media file with a period in time based on the metadata [For example, a digital image may be associated with a particular day based on a creation date of the digital image, a creation date of the file, or based on a date provided by a user. For example, referring to FIG. 10, month view 1001 has digital images associated with the calendar day Mar. 25, 2002 1012 as illustrated by graphical object 1011. Abstract, Pars. 4, 22, 25, 47, etc].;

providing a user access to the digital media file via a media view that displays a representation of the digital media file in connection with the period of time [For example, different views illustrated in FIGS. 1-5, individual digital images are directly accessible for detailed viewing or editing by selection of a displayed graphical object, Pars. 35 and 61]; and

providing the user the ability, via a processor, to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view [For example, user may modify the display of months represented in a year view 101 using control arrows 107a, 107b, or scroll bar 107c [Pars. 26 and 40]. Furthermore, the time within each day may be represented as a timeline with the graphical objects arranged along that timeline as space permits, as illustrated in FIGS. 4 and 5 [Par. 35].

With regard to claim 28:

Adcock discloses the method of Claim 26, further comprising providing a user the ability to locate digital media files within the media view by movement of a time handle that is displayed in conjunction with the media view [For example, FIG. 2, illustrates a month view 102 of a calendar-based GUI 100, according to an embodiment of the present invention. Within month view 102, a user may navigate to different months using control arrows (or time handle) 201 or 203.

With regard to claim 29:

Adcock discloses a method [e.g., flowchart of Fig. 14] comprising:

receiving [at the computing device 1300] a media file having associated metadata information [For example, obtaining a digital image or group of digital images including associated header information from a storage device, pars. 55 and 56];

determining, via a processor,[1302 of the computing device 1300], a manner in which the media file will be represented in a media view of the a media diary [For example, referring to FIG. 10, digital images are represented in a month view 1001, wherein month view 1001 has digital images associated with the calendar day Mar. 25, 2002 1012 as illustrated by graphical object 1011, Abstract, Pars. 4, 22, 25, 47, etc]; and

causing the media file to be individually presented as a media file representation in a date column of the media view in accordance with the determination of the manner of representation [For example, digital images 420, through 42022 are arranged within column 406 for the date Mar. 25, 2002 based on a time with which the digital images are associated (e.g., based upon the time the digital image was created), as can be seen by their location relative to rows 412-418, Pars. 31, 32 and 46.]

With regard to claim 30:

Adcock discloses the method of Claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of a thumbnail representing the media file [for example, days for which digital images are associated, the space allotted to that day is increased to be large enough to show the graphical representation (thumbnail)for those images

(whether it be a one graphical representation for all images or multiple graphical representations, pars. 3, and 46).

With regard to claim 31:

Adcock discloses the method of Claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining a size of the date column within which the representation will reside [For example, to preserve the rectangular geometry of other days in the month, the height of every day in the week containing a day with a graphical object is increased to the larger size, and similarly the width of every day in that column of the calendar is increased to the larger size, Pars. 31, 32 and 46]

With regard to claim 32:

Adcock discloses the method of Claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of the media view in proportion to the overall viewing area [For example, in the calendar-based GUIs represented in FIGS. 10-12 the calendar views 1001, 1002, 1003 maybe resized based upon its content. In one embodiment, there is a minimum size (height and width) for each day where it is just large enough to contain the day of the

month text [Pars. 46 and 47].

With regard to claim 33:

Adcock discloses the method of Claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining a quantity of the media files represented in a date column [For example, the quantity of digital images associated with a particular day may be illustrated by displaying a graphical object within the appropriate day with a color intensity or luminance proportional to the number of images associated with that day. As illustrated in one embodiment of Fig. 4, week view 103 is displayed as seven days represented in columns 405, 406, 407, 408, 409, 410 and 411, each column divided by rows 412, 413, 414, 415, 416, 417, and 418, representing the time within each day, Pars. 25, 31 and 32]

With regard to claim 34:

Adcock discloses that the method of Claim 29, further comprising providing the user the ability to locate a media file within the media view by scrolling the media view [For example, a user may modify the display of months represented in a year view 101 using control arrows 107a, 107b, or scroll bar 107c , Pars. 26 and 40].

CONCLUSION

6. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

7. Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published application may be obtained from either Private –PAIR or Public-PAIR. Status information for unpublished applications is available through Private-PAIR only. For more information about the PAIR system, please see pair-direct.uspto.gov web site. Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **Tadesse Hailu,** whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kieu Vu, can be reached at (571) 272-4057 Art Unit 2173.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173